

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

\*

Plaintiff

\*

and

\*

KATHY C. KOCH

\*

Intervenor/Plaintiff

\*

v.

\*

Civil No. S-02-CV-648

LA WEIGHT LOSS

\*

Defendant

\*

\* \* \* \* \*

**INTERVENOR/PLAINTIFF'S MOTION FOR SANCTIONS**

Intervenor Plaintiff Kathy C. Koch, by and through her attorneys, Ober, Kaler, Grimes & Shriver, pursuant to Rule 37(b) of the Federal Rules of Civil Procedure, hereby moves for discovery sanctions against the Defendant LA Weight Loss. As set forth more fully in the accompanying Memorandum in Support, LA Weight Loss has failed to follow the discovery Order entered by this Court on April 6, 2004 and has failed to preserve critical documents relevant to this case. Ms. Koch requests the Court to order Defendant to comply with the Court's April 6, 2004 Order immediately, and impose other appropriate discovery sanctions, including,

- Evidence preclusion regarding Defendant's performance-based defense;
- Adverse inference instruction;
- Evidence preclusion concerning any alleged investigation into Ms. Koch's retaliation claim and;

- Payment of Ms. Koch's costs incurred in filing this motion necessitated by Defendant's failure to preserve critical documents and refusal to properly answer interrogatories.

Respectfully submitted,



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